

**Michael Fuller, Oregon Bar No. 09357**

Trial Attorney for Plaintiff  
Olsen Daines PC  
US Bancorp Tower  
111 SW 5th Ave., 31st Fl.  
Portland, Oregon 97204  
[michael@underdoglawyer.com](mailto:michael@underdoglawyer.com)  
Direct 503-201-4570

**Lyndon Ruhnke, Oregon Bar No. 993540**

Of Attorneys for Plaintiff  
Lyndon Ruhnke PC  
[lyndon@lyndonruhnke.com](mailto:lyndon@lyndonruhnke.com)  
Phone 503-665-2944

UNITED STATES DISTRICT COURT  
  
FOR THE DISTRICT OF OREGON  
  
PORTLAND DIVISION

**KATHERINE FRANCO,**  
a consumer residing in  
Multnomah County,

Case No. 3:15-cv-2076

Plaintiff,

**COMPLAINT**

**47 U.S.C. § 227 *et seq.***

v.

**DEMAND FOR JURY TRIAL**

**NATIONSTAR MORTGAGE LLC,**  
a Delaware limited liability company,

Defendant.

1.

**JURISDICTION AND THE PARTIES**

The United States District Court for the District of Oregon has jurisdiction of this action pursuant to 28 U.S.C. § 1331 because the Telephone Consumer Protection Act (“TCPA”) is a federal law.

2.

Katherine Franco (“plaintiff”) is a natural person residing in Multnomah County, Oregon.

3.

Nationstar Mortgage LLC (“defendant”) is a Delaware limited liability company that regularly operates its debt collection business in Multnomah County.

4.

The venue and division of this Court are proper because defendant’s calls were directed at plaintiff while she resided in Multnomah County, Oregon.

5.

**FACTUAL ALLEGATIONS**

Between June 1, 2014 and September 18, 2015, defendant used an “automatic telephone dialing system” as that term is defined in the TCPA and by the Federal Communications Commission, to harass plaintiff with unwanted calls to her cell phone that served no legitimate purpose, that defendant knew or should have known violated the TCPA, after plaintiff and plaintiff’s attorney had explicitly demanded plaintiff receive no further calls from defendant and explicitly revoked any prior consent to receive calls from defendant.

6.

**CAUSE OF ACTION**

**CLAIM ONE AGAINST DEFENDANT**

**(47 U.S.C. § 227(b)(3))**

Plaintiff re-alleges all of the above paragraphs by reference.

7.

Defendant’s conduct as alleged above failed to comply with the TCPA, including and not limited to the provisions contained in § 227(b)(1)(A)(iii), and plaintiff is entitled to maximum statutory damages, and costs.

8.

**DEMAND FOR JURY TRIAL.**

**WHEREFORE**, after a determination or stipulation that defendant's conduct as alleged in this complaint violated the TCPA, plaintiff seeks judgment against defendant for the following:

1. An award of maximum statutory damages;
2. An award reimbursing her for the costs of prosecuting this action; and
3. Any other equitable relief this Court may determine to be fair and just.

DATED: November 5, 2015

**RESPECTFULLY FILED,**

s/ Michael Fuller

Michael Fuller, Oregon Bar No. 09357

Trial Attorney for Plaintiff

Olsen Daines PC

US Bancorp Tower

111 SW 5th Ave., 31st Fl.

Portland, Oregon 97204

[michael@underdoglawyer.com](mailto:michael@underdoglawyer.com)

Direct 503-201-4570

**COMPLAINT - Page 4 of 4**

Olsen Daines PC  
US Bancorp Tower  
111 SW 5th Ave., 31st Fl.  
Portland, Oregon 97204  
Direct 503-201-4570